

REMARKS

Applicant has submitted a terminal disclaimer along with the present amendment to overcome the provisional, obviousness-type double patenting rejection.

On page 4, paragraph 7 of the present office action, the Examiner asserts that Claims 7-9, 13-19, and 21 are unpatentable over *Scott* in view of *Miyashita*. *Miyashita* is cited for its use of a stroboscope. However, Applicant will show that the teachings of *Miyashita* teach away from the elements of Applicant's claims and cannot be combined with *Scott* to support the Examiner's rejection. Because the teachings of *Miyashita* are critical in determining its support of the rejection, a complete English translation of *Miyashita* was attached with Applicant's previous amendment.

The object of *Miyashita* is to make a label on a disk readable while the disk is rotating at high speed. The label contains "characters or an abbreviation representing the characteristics of the stored signals." Claim 3 and paragraphs 1, 2, 6. The details that appear on the label must be stationary so that it can be properly read and understood. The only way to read the label while it is rotating is to "freeze" it or make it appear to be stationary with no movement. *Miyashita* specifically uses the term "synchronization" (paragraph 9) to detect the actual number of revolutions of disk and emit light "in accordance with the number of revolutions of the optical disk." Claim 1 and paragraph 4. Thus, *Miyashita* clearly intends to make the label appear stationary—not in motion. Consequently, it teaches away from "giving an appearance of movement." Furthermore, *Miyashita* provides no support to the Examiner's argument to make the cover "translucent" since that property would obscure the text on the label, making the label more difficult to read.

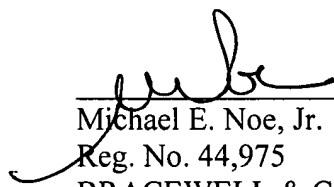
Accordingly, Applicant has further amended the claims to focus on the sensation of movement within its disk drive. Claim 1 now requires a flashing device mounted to the housing "for *making movement* inside the housing appear to *move* at a speed that is less than an actual speed of the *movement*, such that the flashing device makes the disk, the hub, and the actuator appear to *move* at speeds that are less than their actual speeds" (emphasis added). Moreover, Claim 1 further requires "observation of at least some movement inside the housing of the disk, the hub, and the actuator through the cover during operation of the disk drive." In contrast, *Miyashita* emphasizes a "stationary" disk and teaches away from movement because any movement of the label would make it difficult to read the label.

In addition, Claim 1 still requires the cover to be "translucent but not transparent." *Miyashita* relies on transparency to read the label on its disk. Mere translucency would obscure the label and make it difficult if not impossible to read, which would entirely defeat the objective of *Miyashita*. The Federal Circuit has spoken on this very issue: "transparent" and "translucent" are not synonyms. See attachment provided in previous amendment, citing *Terlep v. Brinkmann Corp.*, Fed. Cir., No. 04-1337, August 16, 2005.

Like Claim 1, independent Claims 13 and 21 also require movement of the disk and other components, and Claim 13 further requires translucency. Since *Miyashita* teaches no movement whatsoever, such movement would only interfere with the very purpose of *Miyashita's* invention.

It is respectfully submitted that the claims are in condition for allowance and favorable action is requested. No fee for an extension of time or other fees are believed to be required. However, in the event that one or more fees are required, please charge them to **Hitachi Global Storage Technologies' Deposit Account Number 50-2587**.

Respectfully submitted,



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